

REMARKS

Claims 1-44 are present in this application. Claims 9-20 have been withdrawn. Claims 1, 21, 22, 23, and 33 are independent. Claims 35-44 are new.

Claim Rejection - 35 USC 112

Claim 34 has been rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Office Action alleges that the claim limitation "...the covers for the particles closer to the upper conductor are thicker than the covers for the particles closer to the lower conductor" is not supported by the application as filed. Applicants disagree.

Applicants submit that the claim is supported in the specification as filed, for example in original paragraph 0088 and original paragraph 0097. Also, the limitation is illustrated in each of Figures 2D, 3D, 4D, 5D, and 6D.

Accordingly, Applicants request that the rejection be reconsidered and withdrawn.

Claim Rejection under 35 USC 102(e) - Yoshii

Claims 1-5, 8, 21-24, 26-32, and 33 have been rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Application Publication 2003/0132432 (Yoshii). Applicants traverse this rejection.

The Office Action relies on Figure 45 of Yoshii. The Office Action alleges that substrate 4051 teaches the claimed first conductor, polysilicon electrode 4058 teaches the claimed second conductor, SiO₂ film 4052 and 4057 teach the claimed medium, silicon microparticles 4053 teach the claimed particles formed in the medium, and a silicon oxide film as a barrier layer

covering the silicon microparticles (para. 053) teach the claimed cover formed within the medium and set away from each surface of the medium.

Applicants submit that the silicon microparticle 4053 covered with a barrier layer does not teach the claimed cover at least with respect to the feature of "formed within the medium and set away from each surface of the medium."

With regard to the embodiment shown in Fig. 45 of Yoshii and associated description (paras. 0529 to 0541), the silicon microparticles 4053 and 4056 are formed by CVD (para. 0532). Silicon microparticles 4053 are formed on SiO₂ film 4052 (para. 0530). A silicon rich oxide film 4054 is deposited by CVD on the silicon microparticles 4053. Silicon microparticles 4056 are deposited on the oxide film 4054, and a SiO₂ film 4057 is formed on the silicon microparticles 4056 (para. 0530). The surfaces of the silicon microparticles 4053 and 4056 are oxidized to form a cover as a barrier layer (para. 0531). Thus, the cover for a microparticle 4053 is located at an upper surface of insulating film 4052 and a cover for a microparticle 4056 is located below a surface of insulating film 4057. In other words, the cover for a microparticle 4053 is in contact with an upper surface of insulating film 4052 and a cover for microparticle 4056 is in contact with a lower surface of insulating film 4057. Therefore, the embodiment shown in Fig. 45 does not show a cover for a particle formed within the medium and set away from each surface of the medium, as required in each of the independent claims.

Applicants submit that Yoshii fails to teach each and every claimed element. Accordingly, Applicants request that the rejection be reconsidered and withdrawn.

Claim Rejection under 35 USC 103(a) - Yoshii

Claims 6, 7 and 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yoshii. For at least the reasons above, Applicants submit that the rejection fails to establish prima facie obviousness for claims 6, 7, and 25. Applicants request that the rejection be reconsidered and withdrawn.

New Claims

Claims 35-44 are added as dependent claims. Applicants submit that at least for the reasons above, new claims 35-44 are patentable as well.

Conclusion


Therefore, in view of the above amendments and remarks, reconsideration of the rejections and objections, and allowance of the pending claims is earnestly solicited.

Should there be any outstanding matters which need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and further replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

By 

RWD

Charles Gorenstein
Registration No.: 29,271
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant